THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO. 23218 OF 2005

Dated 8th December 2005

Between:

L.Sangameshwar S/o.Kistaiah .

…Petitioner

And

The APSRTC, rep. by its Regional Manager,

Medak Region, at Sangareddy & others

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO. 23218 OF 2005

O R D E R:

The petitioner retired from service of the APSRTC, as Assistant Depot Clerk. Before he retired, he was removed from service on disciplinary grounds. In the appeal, the order of removal was modified, to the one of fresh appointment, by the second respondent. Aggrieved thereby, the petitioner raised an industrial dispute in I.D.No.106 of 1998, before the Labour
Court-II, Hyderabad. Through its award, dated 3.1.2002, the Labour Court modified the punishment, to that of stoppage of two annual increments, with cumulative effect.

The petitioner states that on his retirement, the Corporation calculated the retirement benefits, on the basis of the order of the appellate authority, *viz*. that of fresh appointment, and the award passed in I.D.No.106 of 1998, was not taken into account. He seeks direction to the respondents to calculate the retirement benefits,

strictly in terms of the award in I.D.No.106 of 1998.

Heard the learned counsel for the petitioner and the learned Standing Counsel for respondents.

The petitioner retired from service almost at a time, when the award was passed by the Labour Court. In fact, the award did not become operative by the time he retired, since it was not published. Therefore, no exception can be taken to the action of the respondents, in calculating his retirement benefits on the basis of the order passed by the appellate authority. However, once the award has come into force, the respondents are under obligation to give effect to the same. The petitioner does not appear to have made any representation, in this regard.

Therefore, the writ petition is disposed of, leaving it open to the petitioner to submit representation, duly enclosing a copy of the award dated 3.1.2002, and on receipt of the same, the respondents shall pass appropriate orders, giving full effect to the award, within a period of six weeks from the date of filing of the same. There shall be no order as to costs.

_____

8th December 2005

PAN